

Section 12.23. - Fences.

1. *Scope.* The installation, erection, and/or maintenance of a fence is hereby prohibited except in strict compliance with this Ordinance. A permit to be issued by the city clerk shall be obtained prior to installation or erection of any fence within the corporate limits of the City of Parchment. Application shall be made upon a form provided by the building department and shall require such information as may be required by the city clerk. All applications for a fence permit shall be accompanied by a filing fee as may be established by city commission resolution.
2. *Calculation of fence height.* The height of the fence shall be computed as the distance from the base of the fence at normal grade to the top of the highest component of the fence.
3. *Design requirements:*
 - a. *Residential fences.* All fences in residential zones or used for residential purposes shall be of an ornamental type. Fences in front yards of residential areas shall be constructed of decorative materials and not be constructed of wire, chain link, chicken wire, or other type wire. Height of fences shall not exceed 30 inches in front yards, six feet in side yards, and six feet in rear yards.
 - b. *Business, office, or commercial fences.* All fences in areas zoned or used for business, office, or commercial purposes shall be of an ornamental type, and shall not be more than six feet, in height above grade level.
 - c. *Industrial fences.* All fences in areas zoned or used for industrial purposes shall not exceed 12 feet in height above grade level.
 - d. *Fences separating single- or two-family residential property from multiple-family residential property.* Areas zoned or used for multiple family residential purposes, with five to 16 total number of units, which abut single- or two-family property, shall have erected upon said adjoining property line, a fence or an ornamental type, to be six feet in height above grade level.
 - e. *Fences for parks, schools, public buildings, etc.* The height and type of fences enclosing municipal parks, public and parochial school grounds, public building and church grounds or land used for playgrounds, parks, picnic groves, golf courses, golf driving ranges or similar facilities for outdoor exercise and recreation shall require the approval of the city commission after receiving the recommendation of the building department.
 - f. *Fences required for swimming pools and ponds.* For the protection of the general public, any swimming pool, reflector pool, fish pond, lily pond, or artificially constructed body of water which contains 18 inches or more of water in depth at any point shall be enclosed by a fence not less than four feet in height above grade level. The gate(s) shall be of a self-closing and latching type, with the latch on the inside of the gate not readily accessible for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods; provided, however, that if the entire premises is enclosed with a fence of not less than four feet in height above grade level, this provision may be waived by the building department.
4. *Material specifications:*
 - a. Fences shall be constructed of wood, metal, or masonry, and other acceptable materials, excluding plastic, interwoven or weaved designs. Only new material shall be used which has been manufactured and/or treated in a manner to prevent rust and

corrosion, and/or rot and decay. All posts shall be sunk in the soil to a depth of at least three feet. The decorative side of the fence of a one-sided fence shall face the abutting property.

- b. No person shall erect or cause to be erected a fence which is:
- (1) Made with or upon which is fixed barbed wire; or
 - (2) Has any protective spike, nail, or sharp pointed object; or
 - (3) Charged with electric current;

Provided, however, that a fence in an industrial area may be erected with barbed wire on arms or brackets extending inward over such property upon application and approval by city commission.

5. *Location:*

- a. All fences must be located at least one foot from the property line in side and rear yards unless the adjoining property owner(s) consents in writing prior to construction that the fence may be placed while on the property line. Such written consent shall be filed with the application for a fence permit.
- b. In no case shall a fence in a side or front yard be an visual obstruction to vehicular traffic, and shall be in accordance with section 12.19, entitled "Corner Clearance," of this Ordinance.

6. *Maintenance of nuisance.* Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The building department shall notify the owner, agent, or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed and shall provide a time limiting such repairs, modification, or removal.

7. *Existing fences:*

- a. Fences presently in existence shall not be enlarged, rebuilt, or reconstructed without first having obtained a permit therefor from the building department. Such fences, when repaired or replaced, shall conform with all provisions of this Ordinance.
- b. Any newly rezoned property shall comply with all fence requirements for the newly zoned district.
- c. Areas zoned or used for multiple-family residential purposes, with 17 or more total number of units shall comply with section 13.2 upon a change in the nature of the property rights in the individual units, such as, rental apartments to condominiums, cooperatives, or townhouses to rentals or condominiums, or any similar type of change.

(Ord. No. 159, 8-19-96; Ord. No. 168, Arts. I, II, 3-1-99)